

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

| | | |
|-------------------------|---|--------------------------------------|
| ALMA T. MCBROOM, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 2:06-CV-767-MEF-SRW |
| |) | |
| JOHN E. POTTER, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

**DEFENDANT AMERICAN POSTAL WORKERS UNION, AFL-CIO’S
MOTION TO WITHDRAW ITS MOTION TO DISMISS,
OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

The defendant American Postal Workers Union, AFL-CIO (“APWU”) respectfully moves to withdraw without prejudice its motion to dismiss, or in the alternative, for summary judgment; the memorandum in support of the motion; and the evidentiary submission attached thereto. Docket Entry Nos. 41, 42, 43. In the absence of discovery, the APWU has reconsidered its motion and believes that it may not fully understand the factual circumstances underlying the plaintiff’s claims. Therefore, the APWU believes the motion may be premature.

The APWU filed this dispositive motion on February 20, 2007. Id. The plaintiff has not filed a response to the motion and the court has yet to rule on it. As such, no party will suffer any prejudice as a result of the withdrawal of the motion.

For these reasons, the APWU respectfully moves this Court to withdraw its motion to dismiss, or in the alternative, for summary judgment.

A proposed order is attached.

Dated: June 13, 2007

Respectfully submitted,

O'DONNELL, SCHWARTZ & ANDERSON, P.C.

By: /s/ Brenda Zwack
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Certificate of Service

I hereby certify that I have this day caused the following people to be served by first class mail postage pre-paid and through the Court's electronic filing system with a copy of the foregoing Defendant American Postal Workers Union, AFL-CIO's Motion to Withdraw Its Motion to Dismiss, Or In The Alternative, For Summary Judgment:

Deborah M. Nickson
2820 Fairlane Drive, Suite A-10
Montgomery, AL 36116

William Post Roberts, II
Howell, Sarto & Howell
P.O. Box 681864
147 E. Main Street
Prattville, AL 36067

Dated: June 13, 2007

/s/ Brenda C. Zwack

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| Defendants. |) | |
| |) | |

ORDER

_____ Upon consideration of the Defendant American Postal Workers Union AFL-CIO's Motion to Withdraw Its Motion To Dismiss, Or In The Alternative, For Summary Judgment, it is this _____ day of _____ 2007, hereby

ORDERED that the Defendant's motion is **GRANTED**.

Dated: _____

United States Magistrate Judge